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## WOOD, HERRON & EVANS, L.L.P.

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PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

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December 21, 2004

### FACSIMILE COVER SHEET

To: Examiner Jeffrey R. Swearingen  
Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

Fax: 703-872-9306

Enclosures:  
Fax Cover Sheet containing Certificate of  
Facsimile Transmission (1 page)  
Transmittal containing Certificate of  
Facsimile Transmission (2 pages)  
Response (8 pages)

From: Scott A. Stinebruner  
Reg. No. 38,323  
  
Re: U.S. Patent Application  
Serial No. 09/845,933  
Filed: April 30, 2001  
Applicant: Bruce Leroy Beukema et al.  
Art Unit: 2143  
Confirmation No.: 3353  
Our Ref: IBM/187

Pages: 11 (including cover sheet)

### MESSAGE/COMMENTS OFFICIAL

#### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (11 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Jeffrey R. Swearingen, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on December 21, 2004.

*Judith L. Volk*  
Judith L. Volk

*December 21, 2004*

Date

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PATENT  
Att'y Docket No. IBM/187/124  
Confirmation No. 3353

**CERTIFICATE OF FACSIMILE TRANSMISSION**

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Judith L. Volk  
Judith L. Volk

December 21, 2004

Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Bruce Leroy Beukema et al.	Art Unit:	2143
Serial No.:	09/845,933	Examiner:	Jeffrey R. Swearingen
Filed :	April 30, 2001		
For :	PRIMITIVE COMMUNICATION MECHANISM FOR ADJACENT NODES IN A CLUSTERED COMPUTER SYSTEM		

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1.  Transmitted herewith is a Response.
2.  Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
 Enclosed is a verified statement to establish Small Entity status  
 Other than a Small Entity
3. The fee has been calculated as shown below:

**CALCULATION OF FEES**

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:		At Rate: Amount:
Total Claims	22	minus	22	0	\$50	\$0.00
Independent Claims	4	minus	4	0	\$200	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$360	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

- No additional fee for claims is required.

Page 1 of 2  
Serial No. 09/845,933  
Transmittal for Response of December 21, 2004  
IBM Docket: ROC920010009US1  
WH&E IBM/187

4.  Attached is a check in the sum of \$ \_\_\_\_\_ for additional claims.  
 Please charge my Deposit Account No. 23-3000 in the amount of \$ \_\_\_\_\_.
5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.
- (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

Ext. Mos.	Large entity	Small entity
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$1,590.00	\$ 795.00
<input type="checkbox"/> five months	\$2,160.00	\$1,080.00

Extension fee due with this request: \$ \_\_\_\_\_

Method of Payment: Check enclosed in the amount of \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.
- OR*
- (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
6.  If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:   
 For Scott A. Stinebruner  
 Reg. No. 38,323

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 441 Vine Street  
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PATENT

IBM/187  
Confirmation No. 3353

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bruce Leroy Beukema et al. Art Unit: 2143  
 Serial No.: 09/845,933 Examiner: Jeffrey R. Swearingen  
 Filed: April 30, 2001 Atty. Docket No.: IBM/187  
 For: PRIMITIVE COMMUNICATION MECHANISM FOR ADJACENT  
 NODES IN A CLUSTERED COMPUTER SYSTEM

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**RESPONSE**

Mail Stop AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

This paper is submitted in reply to the Office Action dated September 24, 2004, within the three-month period for response. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Office Action, claims 1, 6-8, 10, 15, 20 and 22 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,918,686 to Hayashi et al. In addition, claims 2-5, 11-14 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi et al. in view of U.S. Patent No. 6,721,273 to Lyon; claims 16 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi et al. and further in view of Murthy et al. (A 2Kx1K Space Switch ASIC for Use in Digital Exchanges, VLSI Design, 1994, Proceedings of the Seventh International Conference on 5-8 Jan. 1994, Pages 247-250) (hereinafter, "Murthy"); claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi et al. and further in view of Peter Norton's Inside the PC (Eighth Edition, Indianapolis: Sams, 1999, p. 165) (hereinafter, "Norton"); claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over

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 Serial No. 09/845,933  
 Response dated December 21, 2004  
 Reply to Office Action of September 24, 2004  
 IBM Docket ROC920010009US1  
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